

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

THOMAS ANDREW HOLLIS,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:06-CV-814-WKW
)	[WO]
)	
NURSE TINA ELLIS, et al.,)	
)	
Defendants.)	

RECOMMENDATION OF THE MAGISTRATE JUDGE

On September 11, 2006, Thomas Andrew Hollis ["Hollis"], a county inmate, filed this 42 U.S.C. § 1983 action challenging the medical treatment provided to him during his confinement in the Autauga County Metro Jail. On September 14, 2006, this court entered orders, copies of which the Clerk mailed to Hollis. The postal service returned these orders because Hollis no longer resided at the address he had provided to the court for service. In light of the foregoing, the court entered an order requiring that on or before October 6, 2006 Hollis show cause why this case should not be dismissed for his failure to inform the court of his present address. *See Order of September 26, 2006 - Court Doc. No. 7*. The court specifically cautioned Hollis that his failure to comply with the directives of this order would result in a recommendation that this case be dismissed. *Id.* The plaintiff has filed nothing in response to the September 26, 2006 order. The court therefore concludes that this case is due to be dismissed.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that this case be dismissed without prejudice for failure of the plaintiff to prosecute this action. It is further

ORDERED that on or before October 24, 2006 the parties may file objections to the Recommendation. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party is objecting. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and advisements in the Magistrate Judge's Recommendation shall bar the party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings in the Recommendation accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 11th day of October, 2006.

/s/Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE